

**REMARKS**

The following remarks are in addition to the remarks set forth in Applicant's Response to October 11, 2007 Final Office Action filed October 29, 2007.

By this Supplemental Amendment, Applicant is amending Claims 33, 40, 42, 45, 49, 51, 52, 59 and 63 and is canceling Claims 48 and 66 without prejudice or disclaimer. Claims 34–39, 41, 43, 44, 50, 53, 54, 56–58, 60–62, 64 and 65 remain as previously presented, and new Claims 67–70 have been added.

Thus, after entry of the foregoing amendments, Claims 33–45, 49–54 and 56–70 are pending and presented for further consideration. In view of the foregoing amendments and the remarks set forth below and the remarks recited in Applicant's Response to October 11, 2007 Final Office Action, Applicant respectfully submits that Claims 33–45, 49–54 and 56–70 are in condition for allowance.

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Submitted concurrently herewith is a Supplemental Information Disclosure Statement citing fifty-seven (57) references. Applicant respectfully requests the Examiner to consider the pending claims in connection with these references in order to make them of record.

**AMENDED INDEPENDENT CLAIM 33**

Amended independent Claim 33 is directed to an interactive gaming system for entertaining one or more play participants. The system includes one or more play modules disposed within a play structure configured to receive one or more play participants playing in, on or around each play module. Each play module further comprises multiple play elements operatively associated with the play module and comprising one or more interactive games or challenges to be played or completed by the play participant(s) as part of an overall quest or mission. At least two of the interactive games or challenges are arranged or organized sequentially such that a first interactive game or challenge is necessary to be played or completed before a second game or challenge can be played or completed.

The interactive gaming system further includes a toy wand operable by at least one play participant by waving, shaking, stroking and/or tapping the wand in a predetermined manner to transmit a first signal to wirelessly actuate at least one play element. The toy wand further includes a memory configured to store identification information for uniquely identifying the play participant. The toy wand is also configured to wirelessly transmit the identification information to a play element during participation by the play participant in the interactive game(s) or challenge(s).

As discussed in the March 4, 2008 interview with the Examiner, neither Briggs, nor Goldsmith, nor Tillery, nor Ackley, nor a combination thereof, teaches or suggests the interactive gaming system of amended independent Claim 33. For instance, the cited references do not teach or suggest a toy wand operable by a play participant by waving, shaking, stoking and/or tapping the toy wand to transmit a wireless signal to actuate one or more play elements and that stores and transmits identification information during participation in an interactive game or challenge.

Moreover, Applicant respectfully submits that it would not have been obvious to a skilled artisan at the time of Applicant's invention to combine Briggs, Goldsmith, Tillary and/or Ackley to teach the claimed interactive game play systems and methods. For instance, as discussed in the interview, there appears to be no suggestion or motivation to use the computer input device of Goldsmith to wirelessly actuate the play elements in the kinetic interactive play structure described in Briggs.

Furthermore, Applicant submits that there appears to be no suggestion or motivation to combine the identification card of Tillary and/or the memory device of Ackley with the input device of Goldsmith. For example, the October 11, 2007 Final Office Action states that combining Briggs and Goldsmith with Tillary would "provide the system a way to facilitate the saving/pausing of a game especially in the common gaming case where the player leaves the game for a bathroom break." However, this stated motivation appears to have no relation to the claimed invention or the cited references.

Because the references cited by the Office Action do not disclose, teach or suggest the system of amended Claim 33, Applicant asserts that Claim 33 is patentably

distinguished over the cited references, and Applicant respectfully requests allowance of Claim 33.

**AMENDED INDEPENDENT CLAIMS 42, 52, AND 59**

Amended independent Claims 42, 52 and 59 are each believed to be patentably distinguished over the cited references for reasons similar to those set forth above with respect to the patentability of independent Claim 33 and for the different aspects recited therein. The cited references do not teach or suggest, among other things: (i) one or more toy devices/wands operable by a play participant in a particular manner to transmit a wireless actuation signal; (ii) one or more play elements to provide one or more interactive games or challenges configured to be played or completed by the play participant, the one or more play elements being wirelessly actuatable in response to the wireless actuation signal; and (iii) at least one memory device associated with each toy device/wand and configured to store information to uniquely identify the at least one play participant and/or each toy device/wand during interaction with the play element(s) to play or complete the interactive games or challenges.

**DEPENDENT CLAIMS 34–41, 43–45, 49–51, 53, 54, 56–58 and 60–65**

Claims 34–41 depend from amended independent Claim 33 and are believed to be patentably distinguished over the cited references for the reasons set forth above with respect to Claim 33 and for the additional features recited therein.

Claims 43–45 and 49–51 depend from amended independent Claim 42 and are believed to be patentably distinguished over the cited references for the reasons set forth above with respect to Claim 42 and for the additional features recited therein.

Claims 53, 54 and 56–58 depend from amended independent Claim 52 and are believed to be patentably distinguished over the cited references for the reasons set forth above with respect to Claim 52 and for the additional features recited therein.

Claims 60–65 depend from amended independent Claim 59 and are believed to be patentably distinguished over the cited references for the reasons set forth above with respect to Claim 59 and for the additional features recited therein.

**NEW CLAIMS 67-70**

New Claims 67-70 have been added to more fully define Applicant's invention and are believed to be fully distinguished over the cited references.

**NO DISCLAIMERS OR DISAVOWALS**

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced references, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

**CONCLUSION**

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain, the Examiner is cordially invited to contact the undersigned such that any remaining issues may be promptly resolved.

Moreover, by the foregoing remarks no admission is made that any of the above-cited references are prior art to the pending claims and/or are properly combinable. Furthermore, Applicant respectfully disagrees with the Examiner's characterization of the cited references and reserves the right to distinguish the substantive content of these references in response to any subsequent Office Action.

Application No.: 09/545,658  
Filing Date: April 10, 2000

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 3/11/2008

By: Christian A. Fox

Christian A. Fox  
Registration No. 58,507  
Attorney of Record  
Customer No. 20995  
(949) 760-0404

4968648:ah